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Attorney's Docket No.: 17101-017003 / 24727-813C

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RESPONSE UNDER 37 CFR §1.116—  
EXPEDITED PROCEDURE—  
EXAMINING GROUP 1641

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Emory V. Anderson, et al. Art Unit : 1641  
Serial No. : 09/717,478 Examiner : Davis, D. A.  
Filed : November 20, 2000 Conf. No. : 9900  
Cust. No. : 20985  
Title : POINT OF CARE DIAGNOSTIC SYSTEMS

MAIL STOP AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTICE OF APPEAL

Dear Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the Final Rejection, dated November 19, 2003, finally rejecting Claims 18-21, 29 and 30 of the above-captioned patent application. A check for the fees due on a Three (3) month extension of time and Notice of Appeal are filed herewith.



The Commissioner is hereby authorized to charge the fee for the extension of time and any other fee that may be due in connection with this and the attached papers or with this application during its entire pendency to Deposit Account No. 06-1050. A duplicate of this sheet is enclosed.

Respectfully submitted,

Stephanie L. Seidman  
Reg. No. 33,779

Attorney Docket No. 17101-017003

Address all correspondence to:

Stephanie L. Seidman  
Fish & Richardson P.C.  
12390 El Camino Real  
San Diego, California 92130  
Telephone: (858) 678-5070  
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email: seidman@fr.com

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Stephanie L. Seidman

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Adjustment date: 07/30/2004 EEKUBAY2  
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01 FC:2253 475.00 CR

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05/27/2004-FMERCER-00000001-061050 09717478  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Emory V. Anderson, et al.

Art Unit : 1641

Serial No. : 09/717,478

Examiner : Davis, D. A.

204 JUN 23 PM 12: 52

Filed : November 20, 2000

Conf. No. : 9900

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Title : POINT OF CARE DIAGNOSTIC SYSTEMS

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Commissioner for Patents

U.S. Patent and Trademark Office

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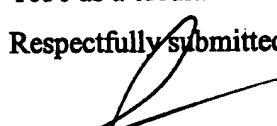
**REQUEST FOR REFUND**

On or about April 1, 2004, Applicant paid the requisite fees for an extension of time to retain pendency of the application, by way of an enclosed check in the amount of \$210.00 for the two (2) months extension of time fee. Further, on or about May 19, 2004, Applicant paid the required fees for a Notice of Appeal, by way of an enclosed check in the total amount of \$430.00; in payment of \$265.00 for the Three (3) months extension of time fee (\$475.00 less \$210.00 previously paid on April 1, 2004), and \$165.00 for the Notice of Appeal fee.

On May 31, 2004, a fee in the amount of \$475.00 for a three-month extension of time was charged to Fish & Richardson's Deposit Account No. 06-1050.

Accordingly, the charge to Deposit Account No. 06-1050 was improper, as all fees had previously been satisfied. Applicant respectfully requests that the overcharge amount be refunded to Fish & Richardson's Deposit Account No. 06-1050 as a credit.

Respectfully submitted,

  
Stephanie L. Seidman  
Reg. No. 33,779

Attorney's Docket No.: 17101-017003 / 24727-813C

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**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**  
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DIVISION

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<b>FISH &amp; RICHARDSON P.C.</b>		<b>172131</b>
219 Franklin Street Boston, Massachusetts 02110-1804		
PAY <u>Two hundred ten dollars 00/100</u> <span style="float: right;">DOLLARS</span>		
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FLEET		PATENT AND TRADEMARK OFFICE U.S. DEPARTMENT OF COMMERCE FOR CREDIT TO THE U.S. TREASURY
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Alexandria, Va 22313-1450

TRANSMITTAL LETTER

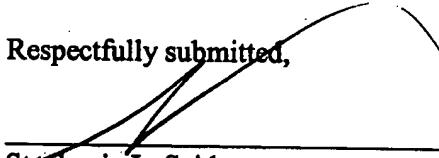
Dear Sir:

Transmitted herewith are a Transmittal Letter (1 page – in duplicate), a Request for Refund (1 page), copies of two (2) canceled checks, and a Return postcard in connection with the above-captioned patent application.



The Commissioner is hereby authorized to charge any fee, including any submitted herewith if the attached check(s) is in the wrong amount or otherwise improper or missing, that may be due in connection with this and the attached papers, or with this application during its entire pendency to or to credit any overpayment to Deposit Account No. 06-1050.

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